United Nations E/C.19/2006/9

Economic and Social Council

Distr.: General
31 March 2006

Original: English

Permanent Forum on Indigenous Issues
Fifth session
New York, 15-26 May 2006
Item 4 of the provisional agenda
Ongoing priorities and themes

Analysis and state of implementation of recommendations of the Permanent Forum on Indigenous Issues at its first to third sessions

Note by the Secretariat*

Summary

The present note provides an analysis of the recommendations made by the Permanent Forum on Indigenous Issues at its first to third sessions. It identifies facilitating factors as well as obstacles to implementation. The note aims to help the Forum to more effectively: (a) provide expert advice and recommendations on indigenous issues to the Economic and Social Council and to the programmes, funds and agencies of the United Nations through the Council; (b) raise awareness and promote the integration and coordination of activities relating to indigenous issues within the United Nations system; and (c) prepare and disseminate information on indigenous issues. The note suggests how to rationalize recommendations and ensure better implementation given the operational context of the various United Nations bodies and the Council.

* The present document was submitted late in order to ensure the inclusion of the most recent information.

06-29447 (E) 200406

I. Introduction

1. At its first to third sessions, the Forum made 294 recommendations in all. The first group of recommendations, "Draft decisions recommended by the Forum for adoption by the Council" includes 17 recommendations (first session: 5; second session: 7; third session: 5). The second group, "Matters brought to the attention of the Council", includes 277 recommendations (first session: 32; second session: 131; third session: 114) and many of these have sub-items. The first group consists of recommendations which must be discussed and decided by the Council because they have programme budget implications. The second group are sent to the Council for its attention and for it to take note of them. Individual member States can take action on these recommendations by implementing them at the national level or influencing related decisions in the governing bodies of United Nations agencies, funds or bodies of which they are members.

2. A third group of recommendations arose from the international expert workshops held on specific and especially demanding issues following decisions of the Forum. For the period under review, this includes the workshop on data collection and disaggregation and the workshop on free, prior and informed consent. It is important to see how the recommendations from those workshops can be implemented. These are presented in reports to the Forum. While discussions of the Forum on these recommendations are brief, it may choose to adopt some of them formally.

II. Review of developments

3. The present report builds on the reports and assessment of the secretariat of the Forum and the Inter-Agency Support Group on Indigenous Issues concerning how and which of the recommendations have been implemented. It clusters the recommendations of the Forum according to their characteristics and notes what has been implemented and what were the factors which influenced the implementation or non-implementation. It concludes by making recommendations on how to proceed to ensure more widespread and effective implementation.

4. The secretariat of the Forum has reported on the outcomes achieved in relation to the recommendations of its first session (see E/C.19/2003/3) and provided a database on the recommendations (see www.un.org/esa/socdev/unpfii). For the second session of the Forum, the secretariat prepared an overview of developments on mandated areas and ongoing priorities and themes (see E/C.19/2004/10) and for the third session another such review was issued (see E/C.19/2005/8). Those reports cover:

(a) The contributions of the United Nations system, including contributions by individual agencies and the Inter-Agency Support Group on Indigenous Issues;

(b) Activities of the members of the Forum;

(c) Activities of the secretariat in support of the mandate of the Forum, including follow-up to the recommendations.

5. The members of the Inter-Agency Support Group on Indigenous Issues have also provided their own views on how to strengthen the work of the Forum within

the United Nations system, including suggestions on how to increase possibilities of implementing the recommendations.

6. The written submissions to the Forum of the various United Nations bodies, agencies and funds and Governments describe their policies, programmes and projects related to indigenous peoples issues and how they have implemented recommendations from the Forum that are addressed to them specifically or those which are related to what they are doing. The table shows how the submissions of the United Nations system and other intergovernmental bodies have increased over the past three or four years. This is a good indication of increasing qualitative and quantitative engagement of the United Nations system and other intergovernmental bodies with the Forum. The low number of submissions from Governments and indigenous NGOs is compensated by their active participation in the sessions.

	Number of submissions		
Entities	First session	Second session	Third session
United Nations system and other intergovernmental bodies	9	13	15
Governments	3	6	3
NGOs, including indigenous peoples organizations	2	5	2
Total	**14**	**24**	**20**

III. Analysis of recommendations

7. Recommendations are adopted by the Forum under mandated areas of the Forum, the methods of work and around the special themes and cross-cutting issues. Notwithstanding the headings used, we observed that recommendations can be clustered as described in paragraphs 8 to 13 below.

A. Information and knowledge generation, management and dissemination

8. These recommendations relate to the generation of information and knowledge on situations and issues of indigenous peoples and studies, policies and programmes of intergovernmental bodies and Governments. They cover such activities as workshops and seminars, research projects and analytical work, preparing reports (e.g., report on implementation of Agenda 21), data collection and disaggregation, establishing websites and databases, publications and the use of multimedia to project indigenous issues. Examples of these are recommendations for the Working Group on Indigenous Populations to undertake a study on genocidal and ethnocidal practices perpetrated on indigenous peoples (No. 81, second session); for the World Health Organization to do a study on prevalence and causes of suicide among indigenous youth (No. 82, second session); for the World Intellectual Property Organization (WIPO) to undertake a study on use of indigenous knowledge relating to medicinal plants and resources, the use of such knowledge and its benefits for indigenous peoples (No. 59, second session).

B. Increased and effective participation of indigenous peoples in various global, regional and national processes and mechanisms

9. These recommendations refer to enhancing the participation of indigenous peoples in processes and mechanisms of the United Nations, including United Nations conventions or those of other intergovernmental bodies. Activities include inviting members of the Forum to participate in such processes, the creation of an ad hoc intersessional working group of indigenous peoples by the United Nations Framework Convention on Climate Change, the establishment of voluntary funds to increase the participation of indigenous peoples in United Nations processes (WIPO, etc.) and inviting indigenous persons to be members of advisory bodies. The preoccupation with the need to obtain the free, prior and informed consent of indigenous peoples before development projects are brought in or undertaken in indigenous territories is one way of enhancing such participation.

C. Capacity-building and awareness-raising for indigenous peoples, personnel and governing bodies of United Nations agencies, programmes and funds and also of government officials and politicians

10. These recommendations urge Governments and the United Nations system to allocate resources to build capacities and raise the awareness of indigenous peoples of their rights and the existence and use of mechanisms to protect their rights, as well as their capacities to effectively participate in government and intergovernmental bodies, processes and mechanisms. The objective of capacity-building is to ensure that government and intergovernmental personnel and senior management, as well as governing bodies, have a better understanding of the issues, concerns and rights of indigenous peoples and establish focal points or units on indigenous issues. Special attention to indigenous women, children and youth is always part of such recommendations. Activities suggested include training seminars and workshops; fellowships; visits of Forum members and other indigenous leaders to United Nations agencies, funds and programmes and their participation in key activities; and appointing focal points or setting up units dedicated to indigenous issues.

D. Development, popularization and dissemination of education and awareness-raising materials, toolkits and guidelines

11. Several recommendations request United Nations bodies to develop, in partnership with indigenous peoples, education and training materials or kits on various topics, including human rights instruments. These include translating existing materials into local languages, using guidelines or tools which integrate indigenous peoples concerns (Akwe Kon guidelines, participatory poverty assessment, etc.), using translated and contextualized education materials to further develop and strengthen bilingual and intercultural education.

E. Shifts in paradigms and approaches to development and in the formulation of conceptual frameworks, policies and guidelines, and setting up projects to reflect those shifts

12. Some recommendations revolve around the need to articulate and integrate indigenous peoples world views, perspectives and practice, especially on development-related issues. Many of these are consistent with the human rights-based approach to development and the demand-driven approach. Challenging the dominant development paradigm and developing and implementing alternatives is no mean feat. Proposed activities include the development of more holistic strategies, programmes and projects; establishing indigenous people-sensitive indicators; holding dialogues or workshops/seminars on how to implement the development of indigenous peoples with respect for their identity and culture; data disaggregation; ensuring the effective participation of indigenous peoples in various processes and activities of states and intergovernmental bodies; operationalization of the human rights-based approach to development; analysis and implementation of the Millennium Development Goals from the viewpoint of indigenous peoples; and setting up and replicating model projects and good practices.

13. The recommendations which emerged from the two expert workshop/seminars identified specific activities which the United Nations system, Governments and indigenous peoples can undertake. Many of these still revolve around the generation of data and knowledge about indigenous peoples and ensuring their effective participation in decisions and processes which affect them. These also include development of toolkits and guides. For instance, the workshop on free, prior and informed consent recommended that a handbook on indigenous issues, including methodologies and elements of a common understanding on free, prior and informed consent, be developed by the United Nations system. The workshop on data collection and disaggregation proposed that intergovernmental bodies, funds and programmes launch a coordinated data-collection exercise in one or more countries.

F. Description and status of implementation of the recommendations

14. Almost all the recommendations which fall in the first group (see para. 1 above) are implemented. The main reason for this is that they are funded through the regular budget. They include the establishment of the secretariat of the Forum and the holding of two international expert workshops. Two recommendations not implemented from this group are the recommendations at the first session that a five-day intersessional meeting of Forum members be convened and that summary records be provided for the public meetings of the Forum. The lack of resources is the major reason why these recommendations have not been implemented.

15. Some recommendations that were reported as implemented were finished, planned or ongoing activities of intergovernmental organizations and Governments even before the Forum was established. For example, the workshops organized by the Office of the United Nations High Commissioner for Human Rights had been planned and funded from the regular budget or the voluntary fund for the first International Decade of the World's Indigenous People. Similarly, the activities of the Special Rapporteur on the situation of human rights and fundamental freedoms of indigenous people were mandated previously. While such activities cannot be

credited to the recommendations of the Forum, it is still important that they be reported because of the need to inform the Forum of programmes and activities of the whole United Nations system so as to improve complementarity and also for awareness-raising purposes.

16. In terms of generating data and information, many new initiatives have been undertaken in response to the above-mentioned clusters of recommendations of the Forum. For instance, the United Nations Human Settlements Programme (UN-Habitat) conducted a research project on indigenous peoples and the right to adequate housing. Poverty studies of indigenous peoples were done in five Latin American countries by the World Bank. The International Labour Organization (ILO) conducted an ethnic review in 14 countries. The written submissions of United Nations agencies, programmes and funds to the sessions of the Forum are additional sources of information on what these bodies are doing to address indigenous peoples' issues. There are still several recommendations for studies which have not been conducted by the concerned United Nations body. This is understandable since it is not realistic to expect that when a recommendation for a study is made a United Nations body can just undertake this without going through internal decision-making processes. If there are budget implications, the governing councils or executive arms of the bodies concerned must first agree that the recommended study be done.

17. Many recommendations, especially those that require short and medium-term time frames, have been implemented. Examples are the adoption of the theme "indigenous children" by the Committee on the Rights of the Child on its day of discussion; the numerous and increasing invitations extended to Forum members to visit various United Nations bodies and the financial support given by the International Fund for Agricultural Development (IFAD) for the two regional indigenous women's conferences. The database of the secretariat and its reports, as well as *Meetings Stock*, the quarterly newsletter, are excellent sources for more detailed information on what recommendations have or have not been implemented.

18. Some activities, however, have not been fully reported. The source of information for reports and the database are mainly written submissions. The oral presentations from the floor made during the plenary meetings of the Forum have not yet been included. For instance, only three to nine Governments made written submissions. Those that made written submissions at all three sessions of the Forum are Canada, Finland and the Russian Federation; Norway, New Zealand, Guatemala, Mexico, Ecuador and Venezuela made occasional submissions. Considering that almost all the States members of the Economic and Social Council are present in the plenary meetings of the Forum and some of them made statements, it may be necessary to review daily press releases issued by the Department of Public Information on Forum debates to take full note of what others have reported.

19. Some of the recommendations on enhancing indigenous peoples' participation in intergovernmental and governmental processes are being implemented. Numerous invitations have been received by members of the Forum from United Nations bodies, including an invitation to be observers at the General Assembly of the IFAD Governing Council, and indigenous persons have been included in the advisory bodies of a number of entities. Additional voluntary funds have been established by the World Intellectual Property Organization and the Convention on Biological

Diversity to facilitate the participation of indigenous persons in various intergovernmental processes.

36. In relation to capacity-building processes, some agencies have conducted training sessions for their staff and other interested parties.

IV. Facilitating factors

37. Some factors which have facilitated implementation are:

(a) Some United Nations bodies are already implementing programmes specifically targeted for indigenous peoples and some have written policies on indigenous peoples. The recommendations of the Forum have provided further justification for continuing, expanding or enhancing such activities.

(b) The Forum's clear mandate to provide expert advice and facilitate coordination and integration has given more weight to the recommendations emerging from its sessions. Some of these recommendations have already been raised in several processes such as the Working Group on Indigenous Populations or its article 8 (j) of the working group of the Convention on Biological Diversity. However, these do not have mandates similar to that of the Forum. Since it is expected that United Nations bodies will attend subsequent sessions of the Forum, it is a good practice for them to report, including some analysis, on which recommendations have been implemented and which have not.

(c) The role played by the secretariat of the Forum in providing United Nations bodies with the final reports and recommendations that are specifically addressed to each body, including follow-up and support, especially in the case of joint activities, has contributed to the implementation of several recommendations.

(d) Active engagement and commitment of the focal point in each United Nations body to pursue the implementation of the recommendations assigned to his or her agency and partnerships created between the Forum and others are key factors for facilitating the implementation of programmes and projects.

(e) If additional resources are needed for implementation, some United Nations bodies allot some money to ensure the implementation of recommendations considered important. The combination of the determination of focal points to ensure that recommendations will be implemented and the active engagement of Forum members in providing advice and support have contributed to successful implementation.

(f) The moral and financial support coming from members of the Inter-Agency Support Group, especially if two or more members collaborate to implement a recommendation, is another facilitating factor.

(g) Issues of indigenous peoples are cutting-edge issues which challenge dominant paradigms and thus are found challenging in terms of developing new discourses and in implementing development and human rights work in non-traditional ways. Some United Nations and Government personnel have successfully addressed these challenges.

(h) A number of indigenous leaders or non-indigenous advocates (whether members of the Forum or not) work closely with some United Nations bodies that have engaged them to provide advice and support on implementing recommendations.

V. Constraints or obstacles

22. Some constraints or obstacles are:

(a) Some recommendations require substantial financial resources that are not within the budget of agencies, programmes and funds and are rarely implemented;

(b) Many of the recommendations, which call for studies to be undertaken, have not been implemented yet. The lack of human and resources within the relevant bodies to carry out such projects are the chief reasons for non-implementation;

(c) Lack of awareness of indigenous peoples and their issues among staff across management officials in governing bodies who make key decisions;

(d) Indigenous peoples' issues remain as a low priority within many United Nations bodies and also within governments;

(e) Lack of capacity in governments on the part of some bodies. Most often the focal points have numerous other competing responsibilities. As a result, recommendations addressed to them frequently remain unimplemented;

(f) Indigenous peoples' issues challenge dominant paradigms and ways of doing things which is a source of great discomfort for some United Nations staff and also for government officials.

VI. Conclusions

23. While a number of recommendations have not yet been implemented, a significant number of important recommendations have been or are in the process of being implemented, including convening of workshops on some of the most critical issues for indigenous peoples (data collection and free, prior and informed consent); convening of meetings with key officials within the United Nations bodies; holding training sessions for United Nations personnel to better understand indigenous issues; inclusion of indigenous issues in various publications prepared by the United Nations system (*Innocenti Digest*, FAO publications, ILO publications etc.); and the ethnic audit and review of poverty reduction strategy papers and Millennium Development Goals reports to assess how they are addressing indigenous peoples, among others.

24. The Forum is able to carry out its mandate by identifying priority recommendations that should be implemented and also special themes for its sessions. The task of choosing which expert workshops will enjoy support from the regular budget is not easy. This is a fine balancing act which has to consider the interests of indigenous peoples, the United Nations programmes, agencies and funds and that of member States. The active participation of many

representatives of United Nations programmes, agencies and funds, government and indigenous peoples representatives in the two workshops is an indication of the interest of all parties to come up with constructive solutions to address these issues.

In the past three years, there has been a noticeable increase in the participation of United Nations and other intergovernmental bodies in the sessions and expert seminars convened by the Forum. The participation of such treaty bodies as the Committee on the Rights of the Child is important because it links the work done by treaty bodies with that of such bodies as the United Nations Children's Fund (UNICEF) and other agencies dealing with children's issues. The participation of the European Council and the Economic Commission for Latin America and the Caribbean provides more regional perspectives, which the Forum needs to understand better since its influence must reach down to the regional, national and local levels.

The choice of special themes that included indigenous children and youth and indigenous women was crucial. Starting with the most vulnerable sectors among indigenous peoples gave the right signal for all actors, Governments, the United Nations system and indigenous peoples. The recommendations which emerged from the processes undertaken to highlight these special themes resonated with the priorities of these actors. This has contributed to the positive atmosphere which prevails in the sessions of the Forum.

The active involvement of some United Nations bodies in implementing recommendations addressed to them and even bringing the implementation down to the regional, national and local levels is giving a good example to others. For example, the recommendations concerning indigenous children and youth have been pursued not only by UNICEF but also by the Committee on the Rights of the Child, the ILO and the secretariat of the Forum. Activities on indigenous children are now being carried out at the country level, the regional level (Latin America) and the global level.

The role played by the Inter-Agency Support Group for Indigenous Issues in terms of pursuing further discussions on how to implement the recommendations and how to strengthen the relationships between the Forum and the Group contributed very positively to the work of the Forum. The substantial contributions from the Group in elaborating and disseminating more widely the issues being discussed helped in pushing further the implementation of recommendations.

The non-implementation of some important recommendations, such as the recommendation for the creation of a working group on free, prior and informed consent, which emerged from all three sessions, remains a concern. And while there are many recommendations for studies to be conducted, there has not been much progress yet to initiate them.

The importance of awareness-raising and capacity-building of indigenous peoples, United Nations staff, senior management and governing bodies, government officials and politicians on indigenous peoples rights and their issues should not be underestimated, although, where activities have been initiated, a more favourable attitude and response to the recommendations may be observed.

31. It has been observed that there is still some resistance to suggestions that three or more United Nations bodies should work together on joint projects in specific areas so that more positive experiences in terms of complementarity and building synergies can be seen. This would ensure that indigenous peoples do not get sacrificed by the turf wars between development agencies.

32. The studies prepared by the World Bank on the poverty situation of indigenous peoples in five Latin American countries, the ethnic audits of the ILO of poverty reduction strategy papers and the reviews done by the Forum secretariat on Millennium Development Goals reports are important contributions. The World Bank studies provided a concrete picture of poverty among indigenous peoples in countries where the indigenous peoples compose a very significant number of the total population. They also show that indigenous peoples are still invisible in most of those countries.

VII. Recommendations

33. The Forum secretariat's efforts prepare overview reports, the *Message Stick* (the quarterly newsletter) and the database on the implementation of recommendations should be sustained. The secretariat should also review oral interventions delivered during Forum sessions and note references made to the implementation of recommendations, which should be added to information provided in written submissions.

34. The Inter-Agency Support Group should continue to play the role of analysing Forum recommendations and making suggestions on how best to have them implemented by the appropriate bodies. This should include proposals on how the recommendations should be packaged and information which indigenous peoples can use to influence decisions within the United Nations system.

35. Considering the large number of recommendations which emerged just from the first three sessions alone, not to speak of what came out of the fourth session, it may be worthwhile to rationalize them. A number of similar recommendations expressed in different ways could be combined. Clustering recommendations under the headings used in the present note would be one approach. Forum members should continue the practice of not repeating recommendations which have already been mentioned at earlier sessions.

36. Good practices in terms of the implementation of recommendations should be written in popular media and disseminated more widely so that they can provide examples for indigenous peoples, the United Nations system, Governments and others.

37. More Governments and indigenous peoples organizations should be encouraged to submit written reports of how they have implemented the recommendations addressed to them, including a description and analysis of facilitating and hindering factors, together with recommendations on how to address obstacles.

38. Indigenous peoples organizations should be encouraged to engage in their own monitoring of the implementation of Forum recommendations to the United Nations system and others at the local and country levels, as well as the

regional level. Reports may be submitted to the Forum by indigenous peoples organizations to inform the Forum's understanding of the level of implementation of its recommendations.

40. More discussions should be held to address the obstacles mentioned in the present note.

41. Developing more effective partnerships between indigenous peoples and other development actors is one way to ensure better implementation of recommendations. The recommendations of the recent workshop on partnership-building, which was held in Nuuk, Greenland, in February 2006, should guide these efforts.

42. In terms of furthering the discourse and practice on holistic self-determined development for indigenous peoples, there should be more dialogues between indigenous peoples and between them and intergovernmental and governmental bodies so as to further refine concepts and reach agreements on how recommendations can be implemented.